

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GOVERNMENT EMPLOYEES
INSURANCE CO., ET AL.,
Plaintiff,

v.

FIVE BORO PSYCHOLOGICAL
SERVICES, ET AL.

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12-cv-02448(JG)(VMS)

JANUARY 14, 2013

**VLADIMIR GRINBERG'S MOTION TO JOIN IN MOTION TO COMPEL ARBITRATION
SUBMITTED BY JOHN BRAUN, PH.D., FIVE BORO PSYCHOLOGICAL SERVICES
AND ALL BORO PSYCHOLOGICAL SERVICES**

This action was commenced by way of a Complaint filed in this Court on May 15, 2012. Although Summonses were returned to Court as to most of the defendants on June 5, 2012, the Summons as to Mr. Grinberg was not returned until June 20, 2012. Docket Entry, 22. The Summons as to Dr. Braun was also returned on June 20, 2012. Docket Entry, 23.

The same counsel appeared for Dr. Braun, All Boro Psychological Services and Five Boro Psychological Services on June 19, 2012. Docket Entry, 20. Thereafter, counsel requested a pre-motion conference, Docket Entry, 26, and subsequently filed a Motion to Compel Arbitration as to Dr. Braun and others on September 7, 2012. Docket Entry, 35.

On September 24, 2012, the plaintiffs filed a request for a default judgment as to Mr. Grinberg, and that motion was granted by a clerk of the Court without a hearing on September 25, 2012. Docket Entries 37, 38. Counsel appeared for Mr. Greenberg on September 28, 2012, and filed a motion to set aside the default. Docket Entries, 40, 41. The plaintiffs oppose the motion to set aside the default.

The Court has yet to rule upon either the motion to set aside default or to compel arbitration. Mr. Grinberg has been ordered to answer the complaint on or before January 14, 2013. This motion is in response to that order.

The Complaint in this action makes clear that Mr. Grinberg is situated identically to Dr. Braun, as co-owner of Five Boro Psychological Services and All Boro Psychological Services. As a result, Mr. Grinberg's interests are identical to those of the parties seeking arbitration, and, to the degree that the similarly situated defendants have a right to compel arbitration, Mr. Grinberg shares in that right. He therefore requests permission to join the motion to compel arbitration. Given the procedural posture of the case, the plaintiffs will suffer no prejudice if this request is granted.

In the event this Court denies the relief requested by way of this motion, Mr. Grinberg requests 14 days from the denial of the request to file a pleading responsive to the Complaint.

THE DEFENDANT

By: /S/ NORMAN A. PATTIS /S/

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CERTIFICATION

This is to certify that on January 14, 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent, via e-mail, to all parties by operation of the Court's electronic filing system, and the undersigned did cause to be sent, via First Class U.S. mail, postage prepaid, a copy of the foregoing to all counsel and pro se parties that do not have access to the Court's electronic filing system and to whom the court directs the undersigned to send a hard copy via mail. Parties may access this filing through the Court's system.

/S/ NORMAN A. PATTIS /S/